

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MARK I. SOKOLOW, *et al.*,

Plaintiffs,

vs.

THE PALESTINE LIBERATION
ORGANIZATION, *et al.*,

Defendants.

No. 04 Civ. 00397 (GBD) (RLE)

**RULE 56.1 STATEMENT IN SUPPORT OF PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT
ON DEFENDANTS' FOURTH AFFIRMATIVE DEFENSE**

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May 2, 2014

1. The Palestine Liberation Organization (“PLO”) was formed in 1964, with the adoption of a constitution. The PLO Constitution provides for an elected National Assembly (Art. 5), an Executive Committee headquartered in Jerusalem (Art. 17), a Palestine National Army (Art. 22), a Palestine National Fund (Art. 18) and various departments.

Citations in support of paragraph 1: PLO Constitution (amended 1968) (Pls. Trial Ex. 1076).

2. The PLO is administered by an Executive Committee. The Executive Committee is elected by the Palestine National Council (“PNC”), which is elected by the Palestinian people.

Citations in support of paragraph 2: PLO Constitution (amended 1968) (Pls. Trial Ex. 1076).

3. In 1974, the UN General Assembly granted the PLO “observer status at the United Nations.”

Citations in support of paragraph 3: U.N. Doc. A/RES/3237 (XXIX) (1974) available at <http://unispal.un.org/UNISPAL.NSF/0/512BAA69B5A32794852560DE0054B9B2>.

4. In 1987, the United States Congress made a series of findings concerning the PLO’s involvement in terrorism and determined that “the PLO and its affiliates are a terrorist organization and a threat to the interests of the United States, its allies, and to international law and should not benefit from operating in the United States.”

Citations in support of paragraph 4: Pub. L. 100-204 at § 1002(b), 101 Stat. 1331 (1987).

5. In 1993, the PLO and the State of Israel signed a “Declaration of Principles” (DOP), which followed the signatories’ mutual recognition. The DOP anticipated Palestinian self-rule in Gaza and Jericho (Art. V), the transfer of power and responsibilities to Palestinians in

the West Bank (Art. VI), and an agreement on self-government and the election of a Palestinian council (Art. III).

Citations in support of paragraph 5: Declaration of Principles on Interim Self-Government Arrangements (Sept. 13, 1993), *available at* www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/declaration_of_principles.aspx.

6. Following further negotiations, the PLO and the State of Israel entered into a series of bilateral agreements. These agreements included, *inter alia*, the “Gaza-Jericho Agreement,” signed in Cairo in 1994; the “Agreement on Preparatory Transfer of Powers and Responsibilities,” also signed in 1994; and the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (the “Interim Agreement”), signed in 1995.

Citations in support of paragraph 6:

- Agreement on Gaza Strip and Jericho Area (May 4, 1994), *available at* <http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/agreement%20on%20gaza%20strip%20and%20jericho%20area.asp>.
- Agreement on Preparatory Transfer of Powers and Responsibilities (Aug. 29, 1994), *available at* <http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/agreement%20on%20preparatory%20transfer%20of%20powers%20and%20re.aspx>.
- Interim Agreement (Pls. Trial Ex. 532).

7. In the Interim Agreement, the PLO and the State of Israel assigned certain governmental duties in the West Bank and Gaza to the Palestinian Authority (the “PA”).

Citations in support of paragraph 7: Interim Agreement (Pls. Trial Ex. 532).

8. The Interim Agreement provides that the PLO would “conduct negotiations and sign agreements with states or international organizations” in limited spheres—economic relations, regional development, donor assistance, and cultural, scientific and educational goals.

Citations in support of paragraph 8: Interim Agreement, Art. 9.5(b) (Pls. Trial Ex. 532).

9. The Interim Agreement transferred specified “powers and responsibilities” from the Government of Israel to the PA, and established executive, legislative and judicial functions for the PA. Under the Interim Agreement, the PA provides many government services, including local policing and civil authority over traditional matters such as agriculture, banking, employment, environmental protection, unclaimed property, health, labor, zoning, postal services, social welfare, telecommunications, transportation, water and sewage. The PA has a police force and levies taxes.

Citations in support of paragraph 9:

- Interim Agreement, Art. 1.1 (Pls. Trial Ex. 532).
- Interim Agreement, Annex III, *available at* <http://www.mfa.gov.il/MFA/ForeignPolicy/Peace/Guide/Pages/THE%20ISRAELI-PALESTINIAN%20INTERIM%20AGREEMENT%20-%20Annex%20III.aspx>.

10. The Interim Agreement provides that the PA can “sue and be sued and conclude contracts.”

Citations in support of paragraph 10: Interim Agreement, Art. 9.2 (Pls. Trial Ex. 532).

11. Both the PA and the PLO hold property.

Citations in support of paragraph 11: Defs.’ Resp. to Request for Admission No. 98 in Pls.’ First Requests for Admissions (Dec. 21, 2012).

12. Defendants have not identified their members.

Citations in support of paragraph 12: Defs.’ Answer to Interrog. No. 6(a) in the [Fifth] Set of Interrogs. from All Pls. (Dec. 21, 2012).

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May 2, 2014

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